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## ILLINOIS COMMERCE COMMISSION

Document in 01-0630 for 11/15/2001

**Petition/Application**

FILED BY:  
MARTIN A. NADWODNEY  
MANAGER  
SPECIAL PROJECTS  
MIDWEST TELECOM OF AMERICA, INC.  
8929 BROADWAY  
MERRILLVILLE, IN 46410  
(219) 650-5555

DATE:  
Oct 1 2001 11:59PM

MEANS RECV'D:  
US Mail

FILED IN:  
01-0630

## DESCRIPTION:

Application for a certificate of local authority to operate as a reseller of telecommunications services in all areas in the State of Illinois

## FILES:

1. Petition [215 KB]
2. Appendix A - D [160 KB]
3. Attachments [559 KB]

[Return To Document List](#)

## ATTACHMENT

### General Question #6

The following contact person has been designated to work with Staff on all issues related to the processing of this application:

Name: Martin A. Nadwodney  
Title: Manager, Special Projects  
Mailing Address: 8929 Broadway, Merrillville, IN., 46410  
Voice: 219-650-5555 or 800-935-2181  
Facsimile: 219-650-5545 or 888-852-6982  
Email Address: [marty@midwesttele.com](mailto:marty@midwesttele.com)

The following person has been designated as the contact person for all consumer issues, customer complaint resolution and technical and service quality issues:

Name: Tammy Maclin  
Title: Manager, Customer Care  
Mailing Address: 8929 Broadway, Merrillville, IN., 46410  
Voice: 219-650-5555 or 800-935-2181  
Facsimile: 219-650-5545 or 888-852-6982  
Email Address: [tammymwt@midwesttele.com](mailto:tammymwt@midwesttele.com)

The following person has been designated as the contact person for "tariff" and pricing issues, 911 issues and security/law enforcement:

Name: Jim Smutniak  
Title: Vice President  
Mailing Address: 8929 Broadway, Merrillville, IN., 46410  
Voice: 219-650-5555 or 800-935-2181  
Facsimile: 219-650-5545 or 888-852-6982  
Email Address: [jim@midwesttele.com](mailto:jim@midwesttele.com)

Question #17 How will Applicant bill for its service(s)? (At a minimum, describe how often the Applicant will bill for service and details of the billing statement.)

Midwest Telecom of America, Inc. complies with Section 735.70 whereas we invoice our customers on a monthly basis. Midwest Telecom of America, Inc. will include an itemization of charges for:

- exchange access (basic local service as requested by the customer),
- local service, extended area service,
- equipment,
- enhanced and other local services,
- the period of time for which the local service and equipment and charges apply,
- a contact telephone number for all billing, trouble reporting and service issues,
- the due date of the bill.

Midwest Telecom of America will also provide the separate listing of the following:

- additional charges due to state messages tax,
- municipal messages tax,
- municipal consumer tax, and
- federal excise tax

Question 18. How does Applicant propose to handle service, billing, and repair complaints? (At a minimum, describe Applicant's internal process for complaint resolution, the complaint escalation process, the timeframe and process by which the customer is notified by Applicant that they may seek assistance from the Commission?)

Every Midwest Telecom of America customer is assigned to an Account Manager, who is responsible for every aspect of the account, including ordering new service, maintaining existing service, billing and repair issues. If the Account Manager, cannot respond to the satisfaction of the customer, the customer's call is immediately transferred to the Manager of the Customer Care department. If the Manager of the Customer Care department cannot resolve the issue, the Vice President of Midwest Telecom will contact the customer no later than the next business day to try to resolve this issue. The Vice President has final say in the resolution of the issue and if the customer is still not satisfied he will:

1. Clarify with the customer that they have the right to contact the ICC for assistance and also clarify with the customer that,
2. The customer can notify us in writing or fax of a performance problem regarding service provided by Midwest Telecom of America. If the problem is not resolved within fifteen business days from the date of original notification, the customer shall have the absolute right to terminate our agreement by selecting an alternative service.

If a face to face meeting is required with a customer, a Field Account Manager will be dispatched to the customer's place of business to review the issue(s) and explain the company's position and attempt to resolve the issue.

**STATE OF INDIANA  
OFFICE OF THE SECRETARY OF STATE  
CERTIFICATE OF EXISTENCE**

To Whom These Presents Come, Greeting:

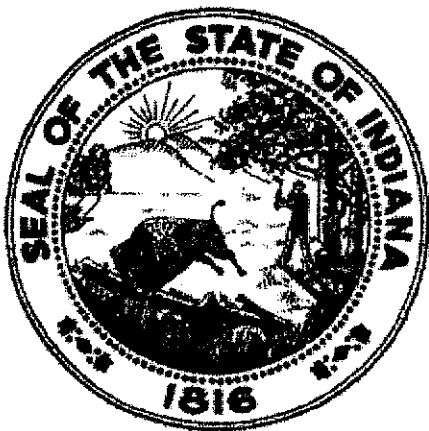
I, SUE ANNE GILROY, Secretary of State of Indiana, do hereby certify that I am, by virtue of the laws of the State of Indiana, the custodian of the corporate records and the proper office to execute this certificate.

I further certify that records of this office disclose that

**MIDWEST TELECOM OF AMERICA, INC.**

duly filed the requisite documents to commence business activities under the laws of the State of Indiana on January 30, 1992, and was in existence or authorized to transact business in the State of Indiana on September 24, 2001.

I further certify this For-Profit Domestic Corporation has filed its most recent report required by Indiana law with the Secretary of State, or is not yet required to file such report, and that no notice of withdrawal, dissolution or expiration has been filed or taken place.



In Witness Whereof, I have hereunto set my hand and affixed the seal of the State of Indiana, at the City of Indianapolis, this Twenty-Fourth day of September, 2001.

*Sue Anne Gilroy*

SUE ANNE GILROY, Secretary of State

1992020221 / 2001092417202



**Whereas**, APPLICATION FOR CERTIFICATE OF AUTHORITY TO TRANSACT BUSINESS IN THIS STATE OF  
MIDWEST TELECOM OF AMERICA, INC.  
INCORPORATED UNDER THE LAWS OF THE STATE OF INDIANA HAS BEEN FILED  
IN THE OFFICE OF THE SECRETARY OF STATE AS PROVIDED BY THE BUSINESS  
CORPORATION ACT OF ILLINOIS, IN FORCE JULY 1, A.D. 1984.

*Now Therefore, I, George H. Ryan, Secretary of State of the State of Illinois, by virtue of the powers vested in me by law, do hereby issue this certificate and attach hereto a copy of the Application of the aforesaid corporation.*

**In Testimony Whereof**, I hereto set my hand and cause to be affixed the Great Seal of the State of Illinois,  
at the City of Springfield, this 16TH  
day of MARCH A.D. 19 92 and  
of the Independence of the United States  
the two hundred and 16TH.



*George H. Ryan*  
SECRETARY OF STATE

094291092

Submit in Duplicate

Remit payments in Certified Check,  
Cashiers' Check or a Money Order,  
payable to "Secretary of State".  
DO NOT SEND CASH!

GEORGE H. RYAN

Secretary of State  
State of Illinois

APPLICATION FOR CERTIFICATE  
OF AUTHORITY TO TRANSACT  
BUSINESS IN ILLINOIS

File #

This Space For Use By  
Secretary of State

Date 3-16-92  
License Fee \$  
Franchise Tax \$ 27.03  
Filing Fee \$ 25.00  
Penalties \$  
Clerk 91102.08

Pursuant to the provisions of "The Business Corporation Act of 1983", the undersigned corporation hereby applies for a certificate of authority to transact business in the State of Illinois and submits the following statement.

- 1 The name of the corporation is Midwest Telecom of America, Inc.  
(shall contain the word "corporation" or "company" incorporated.)

**PAID**

If limited, it shall contain an address at one of such address

MAR 17 1992

(To be completed only if the corporate name is not available)

and, the name which it elects to assume for use in Illinois, hereby agreeing NOT to use its corporate name in the transaction of business in Illinois, is \_\_\_\_\_

- 2 State or Country of Incorporation Indiana / Date of Incorporation 1/30/92 / Period of Duration Perpetual
- 3 The address of its principal office, wherever located, is 8153 Westwood Court, A-203,  
Crown Point, IN 46307

and the address of its principal office in Illinois is N/A

4. The name and address of its registered agent and its registered office in Illinois are:

Registered Agent C. Douglas Johnson  
First Name Middle Name Last Name

Registered Office 2021 Midwest Road, Suite 100  
Number Street Suite # (A PO box alone is not acceptable)

Oakbrook 60521 DuPage  
City Zip Code County

- 5 The states and countries in which it is admitted or qualified to transact business are:
6. The names and respective residential addresses of its officers and directors are:

	No. & Street	City	State	Zip
President Cary W. Smith	125 Harrington St., Apt C-G	Crown Point, IN	46307	
Secretary Cary W. Smith	125 Harrington St., Apt C-G	Crown Point, IN	46307	
Director Cary W. Smith	125 Harrington St., Apt C-G	Crown Point, IN	46307	
Director James Smutniak	15625 91st St.	Dyer, IN	46311	
Director				

If more than 3, attach list

0 9 4 2 9 1 U Y Z

7. The purpose or purposes for which it is organized and which it proposes to pursue in the transaction of business in this State are:

If not sufficient space to cover first part, add one or more sheets of this size

To provide telecommunications consulting and to market long distance services.

11

09429 JUL 2

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JUL 2 1978  
FBI

8. The number of shares which it is authorized to issue and which it has issued are:

Class	Par Value	Number of Shares Authorized	Number of Shares Issued
<u>COMMON A</u>	<u>No par value</u>	<u>4,000</u>	<u>4,000</u>
<u>COMMON B</u>	<u>No par value</u>	<u>5,000</u>	<u>0</u>

\* A declaration as to a "par value" is optional, unless the articles of incorporation make a declaration. When no reference to par value is desired, indicate "no"

9. The amount of paid-in capital\*\* is

\$ 12,000.00

\*\* "Paid-in Capital" replaces the terms Stated Capital & Paid-in Surplus and is equal to the total of these accounts.

10. (a) —Give an estimate of the total value of all the property of the corporation for the following year

\$ 6,000.00

(b) —Give an estimate of the total value of all the property of the corporation for the following year that will be located in Illinois

\$ 0

(c) —State the estimated total business of the corporation to be transacted by it everywhere for the following year

\$ 200,000.00

(d) —State the estimated annual business of the corporation to be transacted by it at or from places of business in the State of Illinois

\$ 100,000.00

#### 11. INTERROGATORIES

\*\*\* (a) To what office or offices will all contracts with the corporation be forwarded for final acceptance?

8153 Westwood Court, A-203, Crown Point, IN 46307

(b) The number of shares of all classes owned by residents of Illinois is: 0

(c) The number of shares of all classes owned by non-residents of Illinois is: 4,000

(d) Is the corporation transacting business in this State at this time? Yes

(e) If your answer is in the affirmative, state the exact date on which it commenced to transact business in Illinois: February 1, 1992

12. This application is accompanied by a copy of the articles of incorporation, as amended, duly authenticated by the proper officer of the State or Country wherein it is incorporated, which certification is not more than ninety (90) days old.

• PROPERTY as used in this application shall apply to all property of the corporation, real, personal, tangible, intangible, or mixed without qualifications

\*\*\* When the response to #11(e) lists ONLY an Illinois address, then the total business as reflected in #10(c) is also considered to be Illinois business for the purpose of computing the Illinois allocation factor. By signing this application, the corporation affirms that it is aware that the amount of paid-in capital, and consequently the amount of license fees and franchise taxes, may be proportionately higher due to the Illinois address shown under #11(e)

094291092



The undersigned corporation has caused this statement to be signed by its duly authorized officers, each of whom affirm, under penalties of perjury, that the facts stated herein are true.

Dated February, 19 92

attested by

Cary W. Smith  
(Signature of Secretary or Assistant Secretary)

Cary W. Smith  
(Type or Print Name and Title)

Hidwest Telecom of America, Inc.

(Exact Name of Corporation)

by

Cary W. Smith  
(Signature of President or Vice President)

Cary W. Smith  
(Type or Print Name and Title)

0 9 4 2 9 1 0 9 2

Form BCA-13.15

File No. \_\_\_\_\_

**APPLICATION FOR CERTIFICATE  
OF AUTHORITY TO  
TRANSACTION BUSINESS IN ILLINOIS**

Filing Fee \$75.00 plus applicable license fee  
and franchise tax

**FILED**

MAR 16 1992

**GEORGE H. RYAN  
SECRETARY OF STATE**

**RETURN TO:**

Corporation Department  
Secretary of State  
Springfield, Illinois 62756  
Telephone 217 -- 782-6961

C-1713

STATE OF ILLINOIS

Office of the Secretary of State

I hereby certify that this is a true and correct copy, consisting of five pages, as taken from the original on file in this office.



*Jesse White*

JESSE WHITE  
SECRETARY OF STATE

DATED: Sept 6, 2001

BY: Nichell Chase

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SECRETARY OF STATE

SEP 6 2001

EXP. FEES 25-

COPY FEES 10-

Attachment Describing Midwest Telecom of America's Managerial and Technical  
Resources to Provide Local Service in the State of Illinois

Midwest Telecom of America, Inc. was founded by Cary Smith and James Smutniak in 1992. The founders remain active in business and have over thirty five years of telecommunications management experience between them. Midwest Telecom of America, Inc. has previously been granted a certificate of authority to provide resold interexchange services in Illinois, and as well in Indiana, Michigan and Ohio. The company has successfully provided these services for over nine years. In addition the company has been granted a CTA to operate as a local exchange services reseller in Indiana, and has over two years experience in rendering non-facilities based, resold local exchange services. Under the leadership of Mr. Smith and Mr. Smutniak, Midwest Telecom of America has serviced the telecommunications needs of thousands of subscribers, and has done so in the absence of consumer complaints for slamming, cramming, or other unethical or unwarranted behaviors. Furthermore, under the leadership of Mr. Smith and Mr. Smutniak, Midwest Telecom of America has earned a profit in each year of business. Midwest Telecom of America, Inc. also has a highly competent staff consisting of various individuals with significant telecommunications experience and technical capability. As a result, Midwest Telecom of America, Inc. asserts that it already has the managerial, technical, and financial capabilities to deliver resold local exchange services to customers throughout the State of Illinois.

March 16, 2001

3578 C 12-31

Midwest Telecom of America, Inc.

8929 Broadway  
Merrillville, IN 46410

\*\* CHART OF ACCOUNTS \*\*

Midwest Telecom of America, Inc.

8929 Broadway  
Merrillville, IN 46410  
March 16, 2001

3578

BALANCE SHEET

12-31

\*\* CHART OF ACCOUNTS \*\*  
ACCT DESCRIPTION

ASSETS

CURRENT ASSETS

102	Cash in Bank One	\$	
103	Cash in Bank One Savings		
104	Petty Cash		
105	Cash In Bank-Savings		
106	Accounts Receivable		
108	Stockholder Advances		
109	Employee Advances		
	TOTAL CURRENT ASSETS		\$

FIXED ASSETS

142	Leasehold Improvements		
146	Fixtures & Equipment		
147	Fixtures & Equipment		
148	Transportation Equipment		
149	Accumulated Depreciation		
	TOTAL FIXED ASSETS		

CAP EQUIP OVER \$400.00

OTHER ASSETS

183	Security Deposit		
	TOTAL OTHER ASSETS		
	TOTAL ASSETS		\$

LIABILITIES & EQUITY

CURRENT LIABILITIES

205	Accounts Payable	\$	
209	N/P - Bank One (L.O.C.)		
210	N/P-Bank One L/O/C		
232	Accrued Federal Payroll Taxes		
233	Accrued State Payroll Tax		
234	County Tax		
235	Accrued Unemployment Tax		
236	Accrued Sales Tax		
	TOTAL CURRENT LIABILITIES		\$

LONG TERM LIABILITIES

262	Due Officers-Cary Smith		
263	Due Officers-Jim Smutniak		
	TOTAL LONG TERM LIABILITIES		

TOTAL LIABILITIES

EQUITY

280	N/P - Bank One		
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Midwest Telecom of America, Inc.

8929 Broadway  
Merrillville, IN 46410  
March 16, 2001

3578

BALANCE SHEET

12-31

\*\* CHART OF ACCOUNTS \*\*  
ACCT DESCRIPTION

281 Issued Capital Stock  
285 Distr. Of Earnings-Cary Smith  
286 Distr. of Earnings-Jim Smutniak  
297 Accumulated Adjustments Acct.  
Profit

TOTAL EQUITY

TOTAL LIABILITIES & EQUITY

\$

\*\*\* Out of Balance \*\*\*

Midwest Telecom of America, Inc.

8929 Broadway  
Merrillville, IN 46410  
March 16, 2001

3578

OPERATING STATEMENT

12-31

\*\* CHART OF ACCOUNTS \*\*

ACCT	DESCRIPTION	CURRENT PERIOD	TWO MONTHS YEAR TO DATE	PERCENTAGE CURR. YTD
------	-------------	----------------	----------------------------	-------------------------

REVENUE

*income*

301	MTOA 1+ Revenue	\$	\$	
302	Americall Agent Commission			
303	Data Commission			
304	MTOA 1 COMM #4916			
305	MTOA A. COMM #4949			
306	Metromedia 1+ Commission			
308	L.D.T.S. Commission			
309	Metromedia 0+ Commission			
310	MTOA 0+ Revenue			
311	MTOA 0+ Advance			
320	Other Income			
350	Unclassified Deposits			
351	Interest Income			

TOTAL REVENUE

DIRECT COSTS

TOTAL DIRECT COSTS

DIRECT PROFIT

OPERATING EXPENSES

507	Data/Internet Network Expens
508	Frontier Network Costs
509	Subcontractors
510	Copying & Printing Costs
512	Freight & Postage
515	Gross Wages
<del>516</del>	<del>Officers Salaries</del>
517	Office Salaries
518	Education Expense
519	Verification Expense
520	Rent
521	Equipment Rental/Leasing
522	Regulatory Fees
<del>523</del>	<del>Data/Internet Network</del>
524	Local Network
525	1+ Network Expense
526	Utilities
527	0+ Network Expense (LDDS - Network)
528	Switching Fees
529	Telephone
530	Repairs & Maintenance
531	Telemarketing
532	Universal Service Fund
534	Advertising & Promotion
535	Insurance
538	Meals & Entertainment
539	Travel & Lodging

# 507

August 31, 2001

3578 C 12-31

Midwest Telecom of America, Inc.

8929 Broadway  
Merrillville, IN 46410



Midwest Telecom of America, Inc.

8929 Broadway  
Merrillville, IN 46410  
March 16, 2001

3578

OPERATING STATEMENT

12-31

\*\* CHART OF ACCOUNTS \*\*

ACCT DESCRIPTION

CURRENT PERIOD

TWO MONTHS  
YEAR TO DATE

PERCENTAGE  
CURR. YTD

540 Property Tax  
542 F.I.C.A. Tax  
543 Unemployment Tax  
544 Sales/Excise Tax Expense  
545 Other Taxes  
548 Permits, Licenses, Tariffs  
550 Interest  
552 Vehicle Expense  
556 Customer Commissions  
557 Sales Commissions  
563 Legal  
564 Accounting  
565 ~~LEO Expenses~~  
566 Office Expense  
568 Billing Expense  
575 Depreciation  
580 Dues & Subscriptions  
590 Void Old Checks  
599

*Mileage/parking*

*dormant acct 8/2/00  
(classified gds, labor)*

TOTAL OPERATING EXPENSES

OPERATING PROFIT or (LOSS)

\$

\$

OTHER INCOME & (EXPENSE)

901 Interest Income  
902 Metromedia 0+/L D D S Settle  
903 Miscellaneous Income  
905 Gain/Loss On Sale Of Asset  
935 Officers' Health Insurance  
975 Section 179 Expense

TOTAL OTHER INCOME & (EXPENSE)

NET PROFIT or (LOSS)

\$

\$

*— Expenses*

*+ Sales*

MEMBERSHIP APPLICATION AND AGREEMENT  
UNIVERSAL TELEPHONE ASSISTANCE CORPORATION

Name of Applicant: Midwest Telecom of America, Inc. \_\_\_\_\_

Address of Applicant: 8929 Broadway \_\_\_\_\_  
Merrillville, IN 46410 \_\_\_\_\_

Name, title, address, and telephone number of responsible individual with applicant to whom communications should be sent:

Martin Nadwodney, Manager, Special Projects

8929 Broadway, Merrillville, IN 46410

219-650-5555 Voice, 219-650-5545 Facsimile

marty@midwestele.com

The applicant hereby applies for membership in the Universal Telephone Assistance Corporation ("Corporation"), an Illinois not-for-profit corporation. Upon the applicant's execution of this application and submission of this application to the Corporation, the Corporation will accept and execute this application in the space provided below, and will return an executed copy of this application to the applicant.

In support of its application for membership, the applicant states and agrees as follows:

1. Applicant is a telecommunications carrier providing local service as defined in the Illinois Public Utilities Act ("PUA").
2. Applicant agrees that it will be subject to, and have those rights and obligations set forth in, the By-laws of the corporation as adopted by the Corporation's board of directors and approved by the Illinois Commerce Commission ("Commission"), as now in effect and as amended from time to time in the future.
3. Applicant acknowledges that the corporation is subject to the continuing supervision of and regulation by the Commission, and that the rights and obligations of each member may change as a result of this supervision and regulation.
4. To the extent from time to time approved by the Commission, the applicant delegates to the corporation authority to make such actions on behalf of the applicant as shall be necessary for the applicant to comply with its obligations under Section 13-301.1 of the PUA.
5. Applicant agrees to pay such portions of the monies collected by or on behalf of the applicant under and pursuant to Section 13-301.1 of the PUA (including income therefrom and appreciation thereon) as the Commission may from time to time order or as the corporation may from time to time request in accordance with orders of the Commission.

Dated: 9/26/01

By: James Smutniak

Title: James Smutniak, Vice President

SPACE BELOW TO BE COMPLETED BY UTAC ONLY

Acceptance: The above application and agreement is hereby accepted and the applicant is hereby accepted for membership in the corporation.

Date: \_\_\_\_\_

Universal Telephone Assistance Corporation

By: \_\_\_\_\_

Title: \_\_\_\_\_

MEMBERSHIP APPLICATION AND AGREEMENT  
ILLINOIS TELECOMMUNICATIONS ACCESS CORPORATION

Name of Applicant: Midwest Telecom of America Inc.

Address of Applicant: 8929 Broadway

Merrillville, IN 46410

Name, title, address, and telephone number of responsible individual with applicant to whom communications should be sent:

Martin A. Nadwodney, Manager, Special Projects

8929 Broadway, Merrillville, IN 46410

219-650-5555 Voice, 219-650-5545 facsimile

marty@midwesttele.com

The applicant hereby applies for membership in the Illinois Telecommunications Access Corporation ("Corporation"), an Illinois not-for-profit corporation. Upon the applicant's execution of this application and submission of this application to the corporation, the corporation will accept and execute this application in the space provided below, and will return an executed copy of this application to the applicant.

In support of its application for membership, the applicant states and agrees as follows:

1. Applicant is a telecommunications carrier providing local service as defined in the Illinois Public Utilities Act ("PUA").
2. Applicant agrees that it will be subject to, and have those rights and obligations set forth in, the By-laws of the corporation as adopted by the corporation's board of directors and approved by the Illinois Commerce Commission ("Commission"), as now in effect and as amended from time to time in the future.
3. Applicant acknowledges that the corporation is subject to the continuing supervision of and regulation by the Commission, and that the rights and obligations of each member may change as a result of this supervision and regulation.
4. To the extent from time to time approved by the Commission, the applicant delegates to the corporation authority to make such actions on behalf of the applicant as shall be necessary for the applicant to comply with its obligations under Section 13-703 of the PUA.
5. Applicant agrees to pay such portions of the monies collected by or on behalf of the applicant under and pursuant to Section 13-703 of the PUA (including income therefrom and appreciation thereon) as the Commission may from time to time order or as the corporation may from time to time request in accordance with orders of the Commission.

Dated: 9/26/01

By: [Signature]

Title: James Smutniak, Vice President

SPACE BELOW TO BE COMPLETED BY ITAC ONLY

Acceptance: The above application and agreement is hereby accepted and the applicant is hereby accepted for membership in the corporation.

Date: \_\_\_\_\_

Illinois Telecommunications Access Corporation

By: \_\_\_\_\_

Title: \_\_\_\_\_